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4 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
5 AT TACOMA

6 ERIC DWAYNE VENTRESS,

7 Plaintiff,

8 v.

9 ELIAS O CASTILLO,

10 Defendants.

Case No. C17-5094 BHS-TLF

ORDER DETERMINING  
OPERATIVE COMPLAINT AND  
STRIKING DKTS 4, 7, 14, 18-22, 24,  
26, 28, 29, 30, 32, 33

11 After commencing this action through the filing of his complaint, Dkt. 10, plaintiff  
12 subsequently filed numerous documents that appeared to discuss additional facts or claims, and  
13 possible new defendants, that were not mentioned in the original complaint. Dkts. 4, 7, 14, 18-  
14 22, 24, 26, 28, 29, 30, 32, 33. Because it was unclear whether plaintiff was attempting to amend  
15 his complaint through these submissions, on March 13, 2018 this Court entered an order  
16 requiring plaintiff to clarify his intent. Dkt. 43. Plaintiff was ordered, by no later than April 16,  
17 2018, either to file a motion to amend his complaint or to file a notice stating that he did not  
18 intend to amend his complaint. *Id.* Plaintiff was warned that failure to respond could result in  
19 dismissal of the complaint for failure to prosecute and failure to comply with a court order. *Id.*  
20 Plaintiff has failed to file any response to the court's order. The court construes plaintiff's failure  
21 to respond as an intent to proceed under his original complaint.

22 Accordingly, it is hereby **ORDERED** that:  
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25 ORDER DETERMINING OPERATIVE COMPLAINT AND  
STRIKING DKTS 4, 7, 14, 18-22, 24, 26, 28, 29, 30, 32, 33 -  
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1 (1) The operative complaint in this case is plaintiff's original complaint entered on March  
2 15, 2017, Dkt. 10.

3 (2) Plaintiff's subsequent letters, exhibits, and "request for admission" (Dkts. 4, 7, 14,  
4 18-22, 24, 26, 28, 29, 30, 32, 33) are hereby **STRICKEN**.

5 Dated this 11th day of June, 2018.

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Theresa L. Fricke  
9 United States Magistrate Judge